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JUVENILE DELINQUENCY AND ITS AFTERMATH

A Paper read to the Tokyo Branch of the Association of
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The Cause of Delinquency The main cause of delinquency and of crime in general is selfishness, however we may disguise the word under high-sounding names. As a matter of fact we are all potential criminals, for crime, as well as selfishness in the individual, simply means that if we happen to want to, we take somebody else's possessions. It may be his time, or his reputation, or his ox, or his ass, or anything else that is his. If we confine our rapacity to the possessions of our immediate relatives, the law will probably leave us alone; if we encroach on our neighbor, we shall be tapped on our shoulder some day and offered a more or less extended holiday from our ordinary labour, with bed and board provided by the state. The offer unfortunately will not extend to our family. They may starve or freeze while we enjoy our involuntary rest. So much for the vagaries of even-handed justice.

We talk very learnedly at times about **Criminals and Human Nature** criminal psychology and the mental capacity of criminals; we sweep them all into one category and suppose that we have solved the problem of crime. By no such holiday pastime can we rid ourselves of the reality, for the criminal himself is always with us. That statement

is more literal to some of us than to others! I do not profess to know much about criminology, but I do count among my friends a goodly number of criminals and ex-criminals, and even, perhaps, some criminals-to-be; and that may count for something in lieu of theoretical knowledge. Within my limited and not altogether uninteresting experiences of things criminal, I can only say that I have found human nature just as rampant in them as in us; and as for the mental capacity of some of these friends of mine, it is sometimes more than I can keep up with.

In a recent "Survey" appeared a short article under the caption, "Prisoners vs. Men Generally," the information being based on a mental survey of penitentiary prisoners in Illinois. The examination was made according to tests used upon the men of draft age from all sections and classes and racial groups in the U. S. A. This army test is considered by the compilers to be an index of the average mental age of the people of the whole country. In the penitentiary survey, the *inferior* group represented 19%, and in the army 25%. The article goes on to say, although statistics are not given, that there was a larger proportion of men of *superior* mental ability in the penitentiaries than in the draft army. The article concludes, "If the analogy is correct that the American draft army is an index of the country, then the prison population is not inferior to men generally." The problem of crime, therefore, cannot be dismissed by saying that the majority of culprits are not mentally responsible, and that they should all be put into lunatic asylums. For all purposes of discussion, women may be excluded from the problem of crime or delinquency, their numbers being negligible in comparison with the total prison population.

Selfishness,
Individual and
Social

Not only the selfishness of the individual, but of society as a whole, is a contributing cause of delinquency and crime. In so far as you and I are

tolerating intolerable conditions, social, industrial or moral, by so much are we responsible for the wickedness that lies around us. So long as we are mainly indifferent to every one's comfort but our own, or engrossed chiefly with our own affairs, whether they be good in themselves or not, by so much are we keeping back the wheels of progress.

The gulf fixed between the rich and **Various Causes of Delinquency** the poor, the industrial system with its attendant iniquities of sweated labour, and other scandalous conditions are all accentuated in Japan, because of the rapidity with which these problems have emerged from the age-long feudalism of the past. The inadequacy of the compulsory school law to compel, militates seriously against the hope of a better order among the children of the poor, unless the problem is taken hold of by private effort. The overcrowding of primary schools; the fees, though small, that have to be paid; and the inability of the unregistered child to attend school—every child to be recognized by law must be registered—all these things contribute to delinquency. Under the present over-crowded condition of primary schools and the absence of public and government opinion on the subject, these conditions are likely to continue.

Depravity in Children Outside of school, the average child is left to his own devices for the most part, and, if one needs an argument to prove the total depravity of the human race, he need only watch what happens when children are left to their own devices in play. Savage little demons they are as a rule, wicked little sinners, often cruel to one another, and their play more or less ends in a row. This I hold, notwithstanding the opinions of some good educators to the contrary, who would give children full scope to express themselves, thinking thereby that they will learn the rules of the game of life. Not so is the game of life learned.

Asakusa Ward The ward of Asakusa is my happy hunting ground, as it is of the underworld of Tokyo. It contains by way of environment for the growing youth, 266,149 of a population, according to the 1917 census, crowded within a space of less than two square miles, and is by all odds the most thickly populated part of the city. The centre of Asakusa is its temple, with its surrounding park, at which I shall cast some anathemas presently; and the adjoining moving picture show district with its 28 places of amusement of various kinds, through which, it is said, 50,000 people pass every night. For light and excitement, for restaurants and eating houses, and for human interest, I have never seen the like elsewhere.

Juvenile Delinquency in Asakusa I was going through that district long ago with a man who is a dweller therein, and by way of making conversation as we made our way through the din and bustle of the crowds, I remarked, "This place is a good deal more lively than Kojimachi is!" "Oh," said he, with a fine touch of scorn, "Kojimachi! Kojimachi's out in the country!" Sacrosanct Kojimachi! The center of the empire, where the Emperor himself dwells, where law courts and parliaments assemble, where grandees live and move and have their being,—I live there myself, or at least sleep there—Kojimachi out in the country! So much for another's point of view! We shall let it go at that, and only say that city or country, Asakusa is the center of crime and juvenile delinquency, as crowded places always are.

The History of one Juvenile Delinquent The other day I went down to the district court to make some enquiries concerning delinquency of the judge who has charge of juvenile cases. The court was in session and I listened for a while to the details of two or three cases that were being examined. Here is the resumé of one of them as I listened to it, and as the judge added details to it in a personal conversation afterwards. The lad was 18 years old, and had been a

postman. He had opened registered letters and stolen the contents, a crime not unheard of in other countries. That is all simple enough, but what is behind it? He belonged to a middle-class family (unusual, the judge said, for most of the delinquents belong to the lower classes and to the lower parts of the city), was first led into temptation by older people, but at 17, already knew for himself all about *geisha* and Asakusa. He joined the so-called socialists, took part in a strike while he was attending a commercial school, was for a while a student-servant (*shosei*) in some family, and finally became a postman. It was a short life and a merry one, but the poor lad had recovered from his merriment when he was being handcuffed preparatory to being taken from the court room. He was crying, and I noticed that with his cuffed hands he painfully pulled a towel from his belt, put his head down as low as possible to reach it and tried to wipe the tears from his eyes. All of this represented the melancholy aftermath of "having a good time."

If you are fond of moving picture shows, you will appreciate this view of **Another Juvenile Delinquent** life that I got sometime ago at the juvenile court. The boy in question was

an apprentice who had apparently got tired of being worked from early dawn to dewy midnight, and he had helped himself to 400 *yen* of his master's money and disappeared. He had bought new clothes in order to look like a gentleman, had feasted at foreign restaurants, and then, last but not least, had gone to the movies and theatres in Asakusa park. The judge, of whom I shall speak later, was drawing him out, in order, I suppose, to get at his psychology, and he quietly enquired, "Which do you like best, tragedy or comedy?" The reply came without a moment's hesitation. "Oh, I don't care," said he, "so long as it's a show." If you have seen Asakusa by night, you will understand. The crowds, the shows, the lights, the freedom, the feeling that somehow or other you are part of a great seething mass of people, get into one's blood; and if I were a

little, overworked apprentice boy, I should more than likely steal 400 *yen* from my master and take a good time while the money lasted, even if I risked handcuffs later.

**Abnormal
imagination**

There is a lad who comes constantly to my house who is rapidly qualifying for the courts, if he does not get his imagination reined in. If one can diagnose his case, it is this,—his imagination has been abnormally developed by the picture show and dime novel until he thinks he is what he has seen and read. He came one day with his arm in a sling, and was the object of sympathy of all around, with the exception of myself. He told of a hairbreadth escape he had had in the factory where he works (so far as I can find out he does not work in a factory). He says he is sixteen. He is the biggest and best developed sixteen-year-old boy I have ever seen. He came on Sunday resplendent in a boy scout's outfit with the horn of plenty by his side, and told us about having been on a walking trip. Another evening he came with his eye bandaged and told the story of another escape from sudden death. He also goes to school, and at times appears in school uniform. His latest school is the American School in Japan. And, of course, he has a step-mother. His father is in Manchuria, and will not be back for years.

The boy is but the product of his environment. He is always play-acting and stage-setting, and walking in the lime-light which he himself has lit up.

I do not think he has much moral sense about it. Why should he have? He has lived on the movie and the dime novel, he has played in the streets,—streets that are not fit for children to play in. He came to my Christmas party, arrived about five o'clock, a bit early, and announced his intention of being on the program. "Oh," said I, quite humble-like, "and pray what are you going to do?" "A sword dance." said he. Now, if you knew the size of my house, and had seen two hundred people packed into it, you would

understand that stouter hearts than mine might have quailed at the thought of a sword dance—a real sword too, for he had brought his father's *samurai* sword. He measured out his distances, to make sure he would not catch a youngster or two on the sword-point, asked a young book-binder in the audience to sing the melancholy lay to which he danced, and he danced well, it was said by those who knew. He was so pleased with himself that he decided to go on the program again, and this time the wife of a prison official who was present, did the singing for him. Now, this is all in the training of him, and some day he will learn that real life has more to it than the imaginary one he now lives in; and that he himself is worth more than the movie actors he imitates.

His young friend, through whom I first got in touch with him, has already been in a reformatory—I took him there myself at the request of the judge who sentenced him; but I am trying to keep this one out, even if it takes sword dancing to do it! One might write a treatise on "Sword Dancing as a Saving Grace," provided the lad turns out well.

**The Park around
the Temple**

Now, let me speak of the park that surrounds *Kwannon Sama*, that popular and disease-breeding Asakusa temple. It is said that the dwellers of the underworld, the sharks and the thugs and the thieves, stay up late at night and sleep late in the morning. There are those in the upperworld who exhibit the same tendencies, I am told, which proves conclusively that human nature is the same, upper or lower. These afore-mentioned dwellers of the underworld emerge to get the air about eleven in the morning, and take it, most of them, sitting on the seats that are scattered about in this park. It is but natural that those of like tastes and habits should discuss their mutual interests, and although the tones in which they speak are guarded, it is said, they are not so guarded but what the numberless children who play in the park get a good deal of interesting information, which when translated presently

into juvenile delinquency, does not add to the prestige nor to the reputation of society.

Fifteen minutes walk away from the **The Yoshiwara** park and enclosed within about thirty acres of land is the infamous and world-famed licensed prostitute district, the *Yoshiwara*, to which, and to all who have any relationship, directly or indirectly, with the whole system from the attractive and deadly *geisha* to the common vulgar public prostitute, be *anathema*. I was told by a Japanese clergyman who works near that section of the city that the children there are dominated by two main influences, those that emanate from the park above mentioned, and those that emanate from the *Yoshiwara*. This fetid atmosphere not only hovers over Asakusa, but poisons the atmosphere we ourselves and our children breathe, and permeates our education and our culture and our ideals, and largely vitiates their influence.

We have often been told by the **Police Stations and** casual observer of things Japanese, that **Juvenile Delinquency** Japanese children never cry, that Japanese birds do not sing, and that Japanese flowers have no perfume. As I am writing these words, a bird is twittering in the garden, my cook's baby is bawling in the kitchen, and there is an exquisite plum blossom exuding sweetness at my side. Ordinary nature, and human nature as well, act according to ordinary natural laws in Japan as elsewhere. Babies cry, and spoiled and neglected children, neglected either by the home or by society, go wrong, very wrong indeed, and very many of them, as police statistics of juvenile delinquency in Japan show. For the last current year the number of children brought for offences to the procurators' office in Tokyo is said to be something over 4,000. As yet no provision has been made in criminal law for any special treatment or supervision of juveniles. At 14 years of age, a person becomes amenable to the ordinary laws of the land. The delinquents are sent, for the most part, to the local court for trial, and by common consent of the judges of handed over

for examination and trial to Judge Mitsui, who has a special interest in children.

Judge Mitsui One cannot pass on without paying tribute to the work that Judge Mitsui is doing with juvenile delinquents. A devoted Christian man, his whole soul is taken up in the effort to reclaim these delinquent children before they develop into thorough-going criminals. I have more than once listened to his examinations, and he talks to the children like a father. The children forget they are in court, and they are soon telling their story. The judge talks in a low tone of voice, scarcely audible a few feet away, and he never loses his quiet patient demeanor. He was for years superintendent of the Sunday school in the Reinanzaka church, and has always been a student of child life. According to circumstances he may let the culprits out on suspended sentence, send them to reformatories, and in some cases to the juvenile prisons. Wherever they go, he remembers their birthdays, and sends them greetings at Christmas. I have never heard that even Judge Lindsay took such a personal interest in his juvenile delinquents.

Tokyo Social During the past year the Tokyo pre-fectural office has taken the problem of Service Department juvenile delinquency seriously to heart, and through its social service department has allocated twenty-eight people, of whom three are women, to various kinds of work among children. One woman attends the juvenile court sessions and the procurator's examinations and afterwards cares for the children when they are released, takes them to reformatories when they are committed, and gets them out of prison when they are set free. Others are allocated to the police stations, others to look up truant children and get them back into school. This is but a beginning, but a most important one, as a preventative of delinquency, or of further delinquency. The great problem is, as usual, to get suitable people for the work.

At last year's session of the Diet a **A Bill to Regulate** bill to regulate juvenile delinquency and **Juvenile Delinquency** to establish a juvenile court passed its first reading in the Lower House, but was rejected in the House of Peers because it was deemed to be inadequate to the needs. At the present moment the bill, in the form in which it passed its first reading, is being discussed in committee before being presented again to both houses, and it is expected that it will finally become law in a very much improved form. Even as it stands, however, it is a great improvement on the conditions under which juvenile delinquency has had to be regulated up to the present time.

The following items are of special **The Bill in Outline** interest :—

1. Juveniles under eighteen come under the operation of the act. No minimum age is fixed. In the case of certain crimes, even a juvenile falls under the jurisdiction of the ordinary criminal court.

2. Within the cases that are defined as coming under its jurisdiction, the juvenile court may (a) set the juvenile free with instructions as to his future conduct, making him give a written promise to behave himself: (b) may hand him over into the custody of temple, church, or other association: into the charge of parole officers, guardian, reformatory, house of correction, juvenile prison, hospital or other medical care; or into the care of any combination of these that may be considered necessary: (c) parole the juveniles under the rule of the suspended sentence law in the same way as above stated in (a).

3. *Punishment.*—When a crime is committed worthy of a prison sentence,—(a) Children under sixteen cannot be submitted to a death penalty or to a life sentence. If the crime *per se* calls for such penalty, the actual sentence can be put between ten and fifteen years. Under this heading further details are given concerning lighter sentences and parole after serving part time. (b) Juveniles, both when awaiting trial and after conviction, must be kept separate from adult prisoners. (c) After

a juvenile is paroled, or set free after serving his sentence, his former crime does not appear in his *koseki* or legal record, as is the case with adult persons.

4. Parole officers are an integral part of the juvenile court and are appointed by the Minister of Justice. They must be experienced and otherwise fit persons.

5. At the request of the culprit, one specially selected to look after his interests may be called by the juvenile court. This person must be either a lawyer or some one connected with child-welfare work.

6. Trials must not be held in public, and can only be attended by relatives and those connected with protective work. If any notices of juvenile trials are published, those responsible are liable to a fine not exceeding 1,000 *yen*, and a sentence not exceeding one year (without hard labor).

7. In the case of children predisposed to delinquency, the juvenile court may take such into custody if requested to do so by any legally responsible guardian.

8. The juvenile court must pay the entire or part expenses of the delinquent's care if he is committed to a temple, church, or other organization; but, the court in turn, can exact these expenses from the culprit or guardian if it is expedient to do so.

9. The bill will become law after it receives the Imperial sanction.

One of the criticism's made of the bill as it stands now, by those who are interested in child welfare, is that it is weak on the protective side; but it is believed that in its amended and final form this defect will be remedied. For my own part, I think that the jurisdiction of the contemplated juvenile court is not wide enough, and that too much discretion lies in the hands of the procurator in deciding what cases shall or shall not be sent to the juvenile court. It is impossible, however, to give any final opinion until the bill appears in its amended form.

The advance being made by the Government for the

protection and care of children, constitutes a tremendous challenge to us to supplement what is being done, and to do what no government can do, namely, supply incentive and spiritual force to the constructive social work which will be necessary to make the actual laws effective.